IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 130 OF 2007

Balasaheb Ramkrishna Bhange ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr. Ujwal Agandsure for applicant.
Ms. Rajshree Gadhvi, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : February 02, 2007.

P.C.:

1. Heard. In Crime No.280 of 2006 registered with Mohol Police Station, Solapur for the offences punishable under Sections 302 and 498-A read with Section 34 of IPC the applicant is impleaded as accused No.2 along with two other accused. Accused no.1 Shri Siddeshwar is the brother of the applicant and accused no.3 is the mother of the applicant. Accused no.3 has been released on bail and Siddeshwar and the present applicant are in jail and their plea for releasing on bail has been rejected by the Additional Sessions Judge.

2. As per the prosecution case Siddeshwar had assaulted the deceased Chhaya on 27/8/2006 at about 7.15 p.m. and in the said assault she died. It is further alleged that he had demanded one lac rupees from the parents of the deceased and an amount of Rs.50,000/- was already paid. The deceased was being ill-treated and harassed for the remaining Rs.50,000/-.

3. The applicant came to be arrested on 28/8/2006. His first bail application was rejected on 27/9/2006. It is now stated that the charge-sheet has been filed on 16/10/2006 and the committal order has not yet been passed by the learned JMFC. There is no specific role attributed to the present applicant in the assault on the deceased. Hence there is no reason why the applicant should be continued in jail and more so when his case cannot be considered and compared with the charge against Siddeshwar, the brother of the applicant.

4. Hence, the application is allowed and it is

directed that the applicant be released on bail on furnishing a PR bond in the sum of Rs.5000/- with one solvent surety in the like amount. The applicant shall not enter village Shetfal, Taluka Mohol, Dist.Solapur till the trial commences and shall not act in any manner which will amount to tampering with the evidence of the prosecution. The learned JMFC at Solapur is hereby directed to pass committal order as expeditiously as possible and in any case before 15/2/2007. The trial is hereby expedited.

(B.H. Marlapalle,J.)